REMARKS

Claims 1-4, 6-14, 16-32 and 34-39 are pending in the present application.

Applicant respectfully responds to this Office Action.

Allowable Subject Matter

Claims 11-14, 16-20, 29-32 and 34-36 were indicated as allowable over the prior art. Applicants express appreciation for the favorable consideration of these claims.

Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 1-4, 6-10 and 21-28 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. More particularly, the Examiner asserts that it unclear from the language of claim 1 what the method steps of hashing of the counter value and searching the assignment table have to do with generating a temporary identifier mentioned in the preamble. Also, the Examiner asserts that it is not clear from the claim language what elements of the claim 21 are encrypted to generate the temporary identifier. Claims 2-10 and 22-28 were rejected based on being dependent upon a rejected base claim.

A claim is not indefinite merely because it recites elements in the body of the claim which do not appear in the preamble. See, MPEP 2173.05(e). Further, a claim is not indefinite if it apprises one of ordinary skill of its scope. Claim 1 apprises one of ordinary skill of its scope. To infringe claim 1, one must perform "hashing said counter value to obtain an assignment table index," and "searching said assignment table for an available entry," or the equivalents. These elements correspond to steps 210 and 212, respectively, of Figure 2. The assignment table index and the temporary identifier are in the same claim because both are part of a process that operates on the counter value to arrive at assignment table index (step 210) and the temporary identifier (step 214). Accordingly, the rejections of claims 1-4 and 6-10 as indefinite should be withdrawn.

Claim 21 recites "means for encrypting and generating a temporary identifier." The means plus function language of claim 21 apprises one of ordinary skill of its scope. Namely, to in infringe claim 21, a wireless communication system must have "means for encrypting and

generating a temporary identifier," or its equivalent. Accordingly, the rejections of claims 21-28 as indefinite should be withdrawn.

Claim Rejections – 35 USC § 103(a)

Claims 1, 3, 6-9, 21-28 and 37-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,044,069 to Wan in view of U.S. Patent No. 7,222,238 to Bleumer et al. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Wan patent in view of the Bleumer patent, and further in view of U.S. Patent No. 5,123,111 to Delory. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Wan patent in view of the Bleumer patent, and further in view of "Handbook of Applied Cryptography" by Menezes et al. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Wan patent in view of the Bleumer patent, and further in view of "Data Structures and Other Objects Using C++" by Main et al.

The rejection of claim 1 as being unpatentable over the Wan patent in view of the Bleumer patent, is respectfully traversed. The present application was filed on December 17, 2001. The Bleumer patent was filed in the United States on July 11, 2002, which is after the filing date of the present application. Although the Bleumer patent was filed as a German application on July 16, 2001, the Bleumer patent is not available as a prior art reference as of it German filing date under 35 U.S.C 102(e)/103. Under 35 U.S.C. 102(e), "an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." According to 35 U.S.C 351(a), the "term 'treaty' means the Patent Cooperation Treaty done at Washington, on June 19, 1970." Applicants assert that the Bleumer patent was not granted based on an "an international application filed under the treaty defined in section 351(a)" as required by the statute and, therefore, the Bleumer patent's effective date as a prior art reference is after the filing date of the present application. Accordingly, the rejection of claim 1 as unpatentable over the Wan and Bleumer patents should be withdrawn.

The rejections of claims 2-4, 6-9, 21-28 and 37-39 are similarly based on the Bleumer patent. For the reasons discussed above with respect to claim 1, the rejections of 2-4, 6-9, 21-28 and 37-39 likewise should be withdrawn.

Further, even if the Bleumer patent was prior art, claim 1, for example, recites, "encrypting said counter value to obtain said temporary identifier." In the Office Action, there is no assertion that the Wan and Bleumer patents disclose this feature with respect to claim 1. See, Office Action, pages 4-5. The Bleumer patent mentions a counter Z used as an index for hash values, but the Bleumer patent fails to disclose encrypting the counter value to obtain the temporary identifier.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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